ENGROSSED HOUSE
BILL NO. 2813

By: Kendrix of the House
and
Bergstrom of the Senate

An Act relating to sunset; amending 59 O.S. 2021, Section 1455, which relates to the Polygraph Examiners Board; re-creating the Board; and modifying termination date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2021, Section 1455, is amended to read as follows:

Section 1455. A. There is hereby re-created, to continue until July 1, 2023 2026, in accordance with the provisions of the Oklahoma Sunset Law, the Polygraph Examiners Board.

B. 1. The persons serving on the Board on June 30, 1988, shall continue to serve the full terms for which they were originally appointed until their successors have been duly appointed and approved with the advice and consent of the Senate. All future
Boards shall continue the staggered terms of office established for the Polygraph Examiners Board prior to July 1, 1988.

2. Any actions taken by any state agency on behalf of the Polygraph Examiners Board or in an attempt to enforce the provisions of the Polygraph Examiners Act shall be subject to review by the Board. Any such acts may be rescinded or modified as deemed appropriate by the Board, provided that such action shall not affect any accrued right, or penalty incurred, or proceeding begun between July 1, 1988, and October 12, 1988.

3. All funds collected after June 30, 1988, equipment, files, fixtures, furniture, and supplies of the Board which were transferred to the Office of Management and Enterprise Services or State Treasury pursuant to Section 3909 of Title 74 of the Oklahoma Statutes shall be returned to the care and custody of the Board.

4. All orders, determinations, rules, regulations, permits, certificates, licenses, contracts, rates, and privileges which have been issued, made, granted, or allowed by the Board and are in effect on June 30, 1988, shall continue in effect according to their terms until further action is taken by the Board or as modified by law.

C. The Board shall consist of five (5) members who shall be citizens of the United States and residents of the state for at least two (2) years prior to appointment, all of whom shall have been engaged for a period of two (2) consecutive years as polygraph
examiners prior to appointment to the Board, and at the time of
appointment active polygraph examiners. No two Board members may be
employed by the same person or agency. No more than two members may
be appointed from one congressional district. However, when
congressional districts are redrawn, each member appointed prior to
July 1 of the year in which such modification becomes effective
shall complete the current term of office and appointments made
after July 1 of the year in which such modification becomes
effective shall be based on the redrawn districts. No appointments
may be made after July 1 of the year in which such modification
becomes effective if such appointment would result in more than two
members serving from the same modified district. At least two
members must be qualified examiners of a governmental law
enforcement agency and at least two members must be qualified
polygraph examiners in the commercial field. The members shall be
appointed by the Governor of the State of Oklahoma, with the advice
and consent of the Senate, for terms of six (6) years. Any vacancy
in an unexpired term shall be filled by appointment of the Governor,
with the advice and consent of the Senate, for the unexpired term.
Except as authorized by the Polygraph Examiners Act, members of the
Board shall be paid no fee, expense reimbursement, wage or other
compensation for their services.

D. The vote of a majority of the Board members is sufficient
for passage of any business or proposal which comes before the
Board. The Board shall elect a chair, vice-chair, and secretary from among its members.

COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES
April 12, 2023 - DO PASS